

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

STEPHAN TOMOREY COTTERREL,

Plaintiff,

v.

MS. FULLER, et al.,

Defendants.

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Civ. No. 20-18768 (NLH) (KMW)

**MEMORANDUM OPINION & ORDER**

APPEARANCE:

Stephan Tomorey Cotterrel  
79762-054  
Fairton  
Federal Correctional Institution  
P.O. Box 420  
Fairton, NJ 08320

HILLMAN, District Judge

WHEREAS, Plaintiff Stephan Tomorey Cotterrel filed a motion for an injunction requesting an order directing staff at FCI Fairton to provide him with pain medication, see ECF No. 1; and

WHEREAS, the Court administratively terminated the complaint because Plaintiff did not pay the \$350 filing fee and \$52 administrative fee or submit an in forma pauperis application with his filing, ECF No. 3; and

WHEREAS, Plaintiff wrote to the Court requesting an order directing the staff at FCI Fairton to respond to his

administrative remedy requests or finding that he has exhausted his administrative remedies, ECF No. 4; and

WHEREAS, exhaustion is not a pleading requirement. The Court will address exhaustion of administrative remedies if Defendants raise failure to exhaust as an affirmative defense; and

WHEREAS, the Court cannot proceed on any of the issues raised by Plaintiff until he has submitted either the \$452 fee or a complete in forma pauperis application. The Court will direct the Clerk to send Plaintiff another copy of an in forma pauperis application,

THEREFORE, IT IS on this 14th day of May, 2021

ORDERED that the Clerk of the Court shall supply to Plaintiff a blank form entitled "Affidavit of Poverty and Account Certification (Civil Rights) (DNJ-ProSe-007-A-(Rev.05/2013))," to be used by Plaintiff in any future application to proceed in forma pauperis; and it is further

ORDERED that if Plaintiff wishes to re-open this action, he shall so notify the Court, in writing addressed to the Clerk of the Court, at

Mitchell H. Cohen Building and U.S. Courthouse,  
Fourth and Cooper Streets, Camden, New Jersey, 08101;

and it is further

ORDERED that Plaintiff's writing shall include either (1) a complete in forma pauperis application, including an affidavit of indigence and a certified copy of Plaintiff's trust fund account statement showing each individual transaction that occurred during the six month period immediately preceding the filing of the Complaint, or (2) the \$350 filing fee plus the \$52 administrative fee; and it is further

ORDERED that after receipt of any such notification from Plaintiff, the Clerk of Court shall REOPEN this matter; and it is finally

ORDERED that the Clerk shall send Plaintiff a copy of this Order by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.